

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ANDRE SAUNDERS

Criminal No. 15-203

**GOVERNMENT’S RESPONSE IN OPPOSITION TO
DEFENDANT’S MOTION TO RECONSIDER**

AND NOW, comes the United States of America, by and through David J. Hickton, United States Attorney for the Western District of Pennsylvania, and Conor Lamb, Assistant United States Attorney for said district, and respectfully files this response in opposition to Defendant’s motion to reconsider the Court’s order detaining the defendant pending sentencing:

1. “Generally, a Motion for Reconsideration will only be granted on one of the following three grounds: (1) if there has been an intervening change in controlling law; (2) if new evidence, which was not previously available, has become available; or (3) if it is necessary to correct a clear error of law or to prevent manifest injustice.” *Ellis v. City of Pittsburgh*, No. 14CV0004, 2014 WL 7359108, at *1 (W.D. Pa. Dec. 24, 2014).

2. The defendant’s motion does not satisfy any of these conditions. In particular, there is no “new evidence” concerning childcare. In fact, the defendant foresaw the childcare implications of his confinement and relied on them the first time he attempted to avoid detention.

3. The Court's decision to detain the defendant was not an error of law, nor was it a manifest injustice. It was a straightforward application of the Bail Reform Act, *see* 18 U.S.C. § 3143(a)(1), and the defendant's motion for reconsideration should be denied.

Respectfully submitted,

DAVID J. HICKTON
United States Attorney

s/ Conor Lamb
CONOR LAMB
Assistant U.S. Attorney
conor.lamb@usdoj.gov
PA ID 204338